

REMARKS

This amendment is responsive to the Final Office Action of February 1, 2010. Reconsideration and allowance of **claims 3-4, 6-11, and 13-24** are requested.

The Office Action

Claims 3-4, 6-11, 13-14, 16-19, and 21-23 were rejected under 35 U.S.C. 103(a) as being unpatentable over Lowell et al. (U.S. Patent No. 6,292,687) in view of Russell (U.S. Patent No. 6,493,581).

Claim 20 was rejected under 35 U.S.C. 103(a) as being unpatentable over Lowell et al. in view of Russell and in further view of Pike (U.S. Patent No. 6,459,371).

The Amendment Should be Entered

Applicant respectfully requests that the Examiner enters the present amendment.

First, the finality of the Office Action is premature because the Examiner made a new ground of rejection relative to unamended subject matter. In the Amendment of October 14, 2009, independent **claim 11** was not amended. Additionally, dependent **claim 14** was placed in independent form including all of the subject matter of **claim 2**, its parent claim. Nothing substantial was added, nothing substantial was deleted. Further, independent **claim 4** was editorially, but not substantially amended. Even though **claim 11** was not amended and **claims 4 and 14** were not substantially amended, the Examiner withdrew the prior ground of rejection and instituted a new ground of rejection. No new limitations were added or amendments made which would require further search or consideration.

Second, the Applicant submits that this Amendment places this application in condition for allowance by amending claims in a manner that is believed to render all pending claims allowable over the cited art and/or at least place this application in better form for appeal.

Third, this Amendment reduces the issues on appeal by addressing the Examiner's new 35 U.S.C. 103 ground of rejection. In order to try to reach an

agreement with the Examiner, **claim 24** was added to introduce limitations in a different order to show the distinctions over the prior art more clearly. The issues were not earlier presented because Applicant believed that the prior responses placed this application in condition for allowance, for at least the reasons discussed in those responses. Accordingly, entry of the present Amendment, as an earnest attempt to advance prosecution is requested.

**The Claims Distinguish Patentably
Over the References of Record**

Claims 3-4, 6-11, 13-14, 16-19, and 21-23 are patentable over Lowell et al. as modified by Russell. These rejections are hereby traversed.

Regarding **claim 4**, neither Lowell et al., nor Russell, nor the combination teach or fairly suggest a detector configured to activate the navigation unit in response to detecting an interaction between the emergency responder and the emergency response device. The Examiner acknowledged in the Office Action of July 7, 2009 (pg 3; lines 14-16) that Lowell does not teach activating a navigation unit in response to detecting an action of the emergency responder on the emergency response device. The Applicant agrees that Lowell does not disclose this limitation. The Examiner does not allege that Russell cures this shortcoming. Indeed, Russell does not. Rather, Russell discloses a system including a locator to determine locations of the defibrillators, a victim, and/or a potential operator of the defibrillators and a communicator to communicate the location of at least one of the defibrillators to the potential operator.

The present application addresses the problem that considerable power is consumed when the emergency response device communicates with a positioning system which shortens battery life of the remote emergency response device. Power remaining (battery life and energy for defibrillation) is saved by providing the routing and position information only when the information is needed by the emergency responder or when the emergency responder is present at the remote emergency response device. It is respectfully submitted that neither Lowell et al., nor Russell, nor the combination address the problem addressed by the present application. Neither does Lowell, Russell, nor the combination teach the solution of activating the

navigation unit in response to an interaction between the responder and the emergency device.

Accordingly it is submitted that **claim 4** and **claims 6-10, 18-20, and 24** which depend therefrom distinguish patentably from the references of record.

Claim 11 continues to call for activating a navigation unit of the emergency response device in response to detecting an interaction between the emergency responder and the emergency response device. The Examiner does not allege (and correctly so) that Lowell et al., Russell, or the combination teach or fairly suggest a method of summoning and routing an emergency responder which includes the step of activating the navigation means upon detection of an interaction between the emergency responder and the emergency response device.

Accordingly it is submitted that **claim 11** and dependent **claims 13, 20, and 21** distinguish patentably from the references of record.

Claim 14 calls for a navigation unit which in response to detecting an interaction of the emergency responder with the emergency response device determines a route for the emergency responder between the emergency response device and the victim based on the victim position information and the emergency response device position. Neither Lowell et al., nor Russell, nor the combination teach or fairly suggest the navigation unit being activated in response to detecting an action of the emergency responder on the emergency response device.

Accordingly it is submitted that **claim 14** and **claims 3, 15-17, and 23** which depend therefrom distinguish patentably from the references of record.

Claim 18 calls for the navigation unit to store a floor plan of at least a portion of a building in which the emergency response device is located and the user interface to display at least a portion of the floor plan as part of the routing fed back to the emergency responder. Neither Lowell et al., nor Russell, nor the combination teach or fairly suggest a navigation unit of an AED storing a floor plan of at least a portion of the building in which it is located and display at least a portion of the floor plan that is provided in the routing information fed back to the emergency responder. Rather Lowell (Col. 8; lines 2-12) teaches using a PowerNow system by Apline which displays a road map and audibly tells the driver when to turn the vehicle. This might

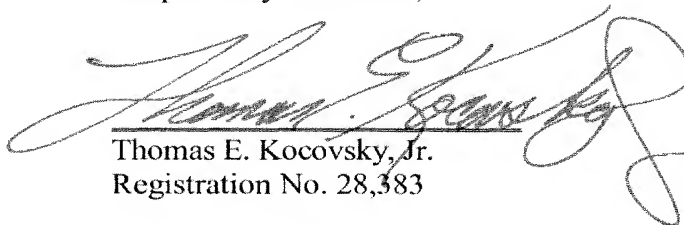
bring a responder to an office building, airport, shopping mall, park, or other public place but would not help the responder navigate the public place to find the victim.

Claim 24 calls for wherein the routing of the emergency responder to the victim based on the position information of the victim and position information of the emergency response device is not determined until an interaction between the emergency responder and the emergency response device is detected. Neither Lowell et al., nor Russell, nor the combination teach or fairly suggest not providing routing information until an interaction between the emergency responder and the emergency response device is detected.

CONCLUSION

For the reasons set forth above, it is submitted that all claims are not anticipated by and distinguish patentably and unobviously over the references of record. An early allowance of all claims is requested.

Respectfully submitted,



Thomas E. Kocovsky, Jr.
Registration No. 28,383

FAY SHARPE LLP
The Halle Building, 5th Floor
1228 Euclid Avenue
Cleveland, OH 44115-1843
Telephone: 216.363.9000 (main)
Telephone: 216.363.9122 (direct)
Facsimile: 216.363.9001
E-Mail: tkocovsky@faysharpe.com

Direct All Correspondence to:
Yan Glickberg, Reg. No. 51,742
US PHILIPS CORPORATION
P.O. Box 3001
Briarcliff Manor, NY 10510-8001
(440) 483-3455 (tel)
(440) 483-2452 (fax)